# MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

## **September 30, 2003**

# **DIVISION ONE**

B159990 People (Not for Publication)

V.

Bojorquez

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B165385 Los Angeles County, D.C.S. (Not for Publication)

V.

Robert P.

The appeal is dismissed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B156586 Naughton (Not for Publication)

V.

Wells Fargo Bank, et al.

The order is reversed. The parties are to bear their own costs on appeal.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

# DIVISION ONE (Continued)

B158248 People (Not for Publication)

V.

Rourke

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B163073 People (Not for Publication)

V.

Mary Farrar

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B163964 The People (Not for Publication)

V.

Joseph Lee Richard

The order under review is reversed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

### DIVISION ONE (Continued)

B156285 People (Not for Publication)

V.

Randy Foster, et al.

The judgments are affirmed.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B158395 Yasmina G. Martinez, a minor (Not for Publication)

V.

Northridge Hospital Medical Center

The judgment is reversed and on remand the trial court is directed to deny the motion of Northridge Hospital Medical Center for summary judgment. Yasmina Martinez is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

# **DIVISION THREE**

B160935 People (Not for Publication)

v.

Soth, et al.

The judgments are affirmed. The clerk of the superior court shall correct Uy's abstract of judgment as indicated above.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

### DIVISION THREE (Continued)

B152072 People v. Angulo, et al. (Not for Publication) B158370 In Re Anthony Armend Angulo on Habeas Corpus

As to Angulo, the judgment is affirmed and the petition for writ of habeas corpus is denied. As to Camacho, the judgment is ordered modified to reflect a conviction of second degree murder, rather than first degree murder and, as so modified, affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J. Aldrich, J.

B159294 People (Certified for Publication)

V.

Pinkston

The judgment is affirmed.

Croskey, J.

I concur: Aldrich, J.

I dissent: Klein, P.J. (Opinion)

B159605 People (Not for Publication)

V.

**Jenkins** 

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

### DIVISION THREE (Continued)

B158260 People (Not for Publication)

v. Davis

The one-year principal-armed enhancement imposed pursuant to section 12022, subdivision (a)(1), is ordered stricken. IN all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

(Not for Publication)

B144534 In re Uzyel Irrevocable trust no. 2 Dafna Uzyel Levi

 $\mathbf{V}$ 

Neil Kadisha

Each of the trial court's orders of August 4, 2000 is modified and as so modified, is affirmed. The trial court's orders as modified shall read as follows: 1. The preliminary injunction is granted. The trustee is enjoined from using any trust assets to pay for attorney's fees or costs in relation to trust litigation. 2. The application to compel trustee of terminated trust to turn over assets is granted. The trustee is ordered to return to the trust the sum of \$250,000 previously taken by him to pay for retainer for legal fees. Pursuant to the stipulation of the parties, the return of \$250,000 shall be deemed accomplished as of this date and the funds shall remain on deposit in the bank account of the trustee's attorney, Marvin G. Burns, and no withdrawals or expenditures there from may be had except upon the order of this court. The trustee is further ordered to transfer all trust assets to the Whittier Trust Company, pursuant to Probate Code section 15410 subdivision (b). The trustee shall have the powers reasonably necessary under the circumstances to wind up the affairs of the trust, pursuant to Probate Code section 15410, subdivision (b). 3. The objections to the application to compel trustee of terminated trust to turn over assets are denied. 4. No. bond shall be required to be posted by the beneficiaries. The parties are to bear their own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

### DIVISION THREE (Continued)

B161011 Zenith Insurance Company (Not for Publication)

v.

The County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B159542 Nicole Kenyon (Not for Publication)

V.

Joel Figueroa, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

B155492 Randy Walter

V.

Kia Motors America, Inc., etc., et al.

Filed order vacating submission order of June 18, 2003. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

#### **DIVISION FOUR**

B162239 Natural Balance Pet Foods, Inc. (Not for Publication)

V.

Chenango Pet Foods, Inc.

The judgment is modified by deleting \$30,293 in prejudgment interest awarded to Natural Balance. In all other respects, the judgment is affirmed. Each party is to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J. Curry, J.

### **DIVISION FIVE**

B160207 People (Not for Publication)

V.

Raul Gonzalez, et al

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J. Armstrong, J.

### **DIVISION SIX**

B162597 Godfrey

V.

California Youth Authority State Personnel Board

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

#### **DIVISION SEVEN**

B162562 People

V.

Castaneda

Filed order denying petition for rehearing.

### **DIVISION EIGHT**

B158878 People (Not for Publication)

V.

Coddie

The judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B153932 Avila, et al. (Certified for Publication)

V.

Jado Properties, Inc.

The judgment is affirmed in part and reversed in part. The grant of summary adjudication in favor of Steven's on Appellants' cause of action for fraud is affirmed. The grant of summary adjudication on Appellants' causes of action for negligence and premises liability is reversed. The trial court is directed to enter an order granting summary adjudication of Appellants' cause of action for fraud. Each party to bear his or its own costs.

Cooper, P.J.

We concur: Rubin, J.

### **DIVISION EIGHT (Continued)**

B154240 Gritz (Not for Publication)

v. Gritz

In re Marriage of RICHARD M. and CYNTHIA CARLOMANGO GRITZ

The order reimbursing Husband \$388,000 for his separate property contribution is affirmed. The order for reimbursement of Husband's excess post-separation payments on the Topanga property division in light of this opinion. Costs and attorney's fees on appeal are to be determined by the trial court.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B153592 Eilken, (Not for Publication)

V

Charlston, Revich & Williams, et al.

The order granting the special motion to strike is affirmed. Respondents shall recover costs and attorney's fees on appeal, the amount of which shall be determined by the trial court.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B158825 People (Not for Publication)

V.

Casas, et al.

The judgments are affirmed.

Cooper, P.J.

We concur: Rubin, J.

### **DIVISION EIGHT (Continued)**

B159610 Goldsmith & Burns (Not for Publication)

V.

**Athans** 

Estate of JERRY COSTAS ATHANS, Deceased.

The judgment is affirmed. Each party is to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B160983 Decoud (Not for Publication)

V.

Univision Communications et al.

The order issued August 1, 2002 is affirmed in part and reversed in part. The trial court is directed to enter a new order dismissing all of Decoud's causes of action except breach of contract and promissory estoppel and dismissing UCI and UNLP. Univision is entitled to costs on appeal.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B158604 People v. Berreondo (Not for Publication)

B161876 In re Edy Berreondo on Habeas Corpus.

The jury's true findings on the Penal Code section 186.22, subdivision (b)(1) allegations are reversed. The case is remanded to the trial court for resentencing consistent with this opinion. In all other respects the judgment is affirmed. Following resentencing, the trial court must enter a new abstract of judgment. The petition for writ of habeas corpus is denied.

Cooper, P.J.

We concur: Rubin, J.

### **DIVISION EIGHT (Continued)**

B159167 Higgins (Not for Publication)

v.

Charlie's Live Entertainment, et al.

The judgment is reversed. Appellant to recover costs on appeal.

Rubin, J.

We concur: Cooper, P.J.

Boland, J.

B157575 People (Not for Publication)

v. Sims

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B156620 Bodine (Not for Publication)

V.

Wawanesa General Insurance Company

The judgment is reversed, and the matter is remanded to the trial court for further proceedings including, if and when appropriate, a determination of attorney fees on appeal.

Cooper, P.J.

We concur: Rubin, J.